

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/MX2004/000072	International filing date (<i>day/month/year</i>) 08.10.2004	Priority date (<i>day/month/year</i>) 10.10.2003
International Patent Classification (IPC) or national classification and IPC A 47 J 36/28		
Applicant LARRABURE REYES, David		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.	
3. This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>3</u> sheets, as follows: <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).	
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/ES	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/MX2004/000072

Box No. I Basis of the report

1. With regard to the language, this report is based on:

- ☐ the international application in the language in which it was filed
- ☐ the translation of the international application into _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3(a) and 23.1(b))
- ☐ publication of the international application (Rule 12.4(a))
- ☐ international preliminary examination (Rule 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

- ☒ the international application as originally filed/furnished
- ☒ the description:
- pages 1-2 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* 3-4 _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/1 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☒ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☒ the claims, nos. 1-3, as initially filed _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement															
1.	Statement Novelty (N) Claims <u>1-4</u> YES Claims _____ NO Inventive step (IS) Claims <u>1-4</u> YES Claims _____ NO Industrial applicability (IA) Claims <u>1-4</u> YES Claims _____ NO															
2.	Citations and explanations (Rule 70.7) Documents taken into consideration <table border="1"><thead><tr><th>Doc.</th><th>Publication or Identification No.</th><th>Pub. Date</th></tr></thead><tbody><tr><td>D01</td><td>ES 2014324</td><td>01.07.1990</td></tr><tr><td>D02</td><td>ES 1015265</td><td>16.06.1991</td></tr><tr><td>D03</td><td>ES 0245741 U</td><td>16.01.1980</td></tr><tr><td>D04</td><td>US 5461867</td><td>31.10.1995</td></tr></tbody></table> <p>The examiner has found two groups of inventions which form the prior art in relation to the invention.</p> <p>Firstly, the prior art includes containers which comprise a hermetically sealed section inside of which are two chemical reactants (see documents D01, D03 and D04) Said reactants are stable when separated, but when mixed together produce an exothermic or endothermic reaction which results in the generation of heat or cold, which is transferred to an element, which can normally be eaten or drunk, that is contained in another section of the same container that is separated from the first section. In order to mix the reactants, the containers in which they are held have to be broken open, and therefore, unlike in the present invention, the containers cannot be reused.</p> <p>Secondly, the prior art includes a group of inventions</p>	Doc.	Publication or Identification No.	Pub. Date	D01	ES 2014324	01.07.1990	D02	ES 1015265	16.06.1991	D03	ES 0245741 U	16.01.1980	D04	US 5461867	31.10.1995
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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

(see, for example, document D02) which consist in containers with a closed section and an open section, into which the item to be heated is introduced. In those inventions the heat is provided by an electrical resistor or similar and therefore the devices are not stand-alone devices, since they are reliant on an external source of energy.

Therefore, in view of those documents, the invention is considered to be novel, to involve an inventive step and to be industrially applicable.